

ENTERED

March 28, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Vashaun Scott,	§	
	§	
	§	
<i>Petitioner,</i>	§	
	§	Civil Action No.
v.	§	4:21-cv-04114
	§	
Bobby Lumpkin, Director,	§	
Texas Department of Criminal	§	
Justice, Correctional	§	
Institutions Division,	§	
<i>Respondent.</i>		

ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE

Pending are Petitioner Vashaun Scott's petition for a writ of habeas corpus (Document No. 1) and Respondent Bobby Lumpkin's motion for summary judgment (Document No. 9). The Court has received from the Magistrate Judge a Memorandum and Recommendation (Document No. 16) recommending that that Respondent's motion be GRANTED, and Petitioner's petition be DENIED. The Court has also received Petitioner's objections (Document No. 17), which appear to have been timely filed.¹

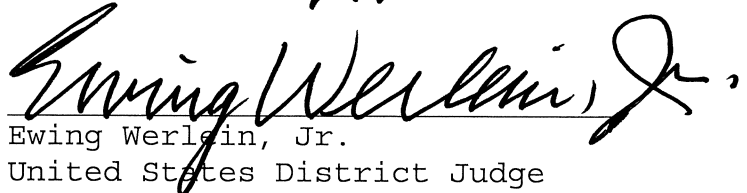
¹Although Scott's objections did not actually reach the docket until March 13, 2023, his filing indicates that he placed his objections in the prison mailbox on March 5, 2023. See Dkt. 17 at 11-12. The accuracy of this date appears to be uncontroverted. Accordingly, Scott is the beneficiary of the "prison mailbox rule," and his objections are deemed filed on March 5, 2023. *Grayson v. Thaler*, 2012 WL 1355590, at *1 n.2 (S.D. Tex. Feb. 27, 2012) (citing *Houston v. Lack*, 487 U.S. 266 (1988)), report and recommendation adopted, 2012 WL 1354605 (S.D. Tex. Apr. 18, 2012).

The Court, after having made a *de novo* determination of the petition and the motion for summary judgment, is of the opinion that the findings and recommendations of the Magistrate Judge are correct. The Petitioner's objections are hereby OVERRULED, and the findings of the Magistrate Judge should be and hereby are accepted by the Court in their entirety. Accordingly,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and filed on February 22, 2023, which is adopted in its entirety as the opinion of this Court, that Respondent's motion for summary judgment (Document No. 9) is GRANTED and Respondent's petition for a writ of habeas corpus (Document No. 1) is DENIED.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 28TH day of March, 2023.


Ewing Werlein, Jr.
United States District Judge